

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THOMAS STACKHOUSE,

Plaintiff,

v.

VANGUARD CULINARY GROUP, INC., *et al.*,

Defendants.

Case No. C06-347RSL

ORDER GRANTING MOTION
FOR SUMMARY JUDGMENT

This matter comes before the Court on a motion for summary judgment filed by both defendants, Vanguard Culinary Group, Inc. and Safeway, Inc. (collectively, “defendants”) (Dkt. #13). Plaintiff, who is now proceeding *pro se*, alleges that he became ill after purchasing a Safeway brand frozen food entree manufactured by Vanguard. Plaintiff asserts claims based on negligence and strict liability.

Defendants move for summary judgment because plaintiff’s failure to identify expert witnesses in accordance with Federal Rule of Civil Procedure 26(a)(2) leaves him unable to prove his *prima facie* case. Plaintiff was required to disclose his experts by October 4, 2006, but he disclosed no experts or expert reports. Discovery closed on December 3, 2006.

The Court finds that without any expert testimony, plaintiff will be unable to establish essential elements of his *prima facie* case. Furthermore, plaintiff has not opposed this motion,

1 which the Court considers to be an admission that it has merit. Local Rule 7(b)(2).

2 For all of the foregoing reasons, the Court GRANTS defendants' motion and dismisses
3 plaintiff's claims with prejudice. (Dkt. #13). The Clerk of the Court is directed to enter
4 judgment in favor of defendants and against plaintiff.

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6 DATED this 30th day of January, 2007.

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9 Robert S. Lasnik
10 United States District Judge
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